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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 PAUL ENGSTROM,

14 Defendant.
15

Case No. 2:21-cr-00190-APG-EJY-1

**MOTION TO REOPEN
DETENTION HEARING**

16 Paul Engstrom, through his attorney, Jawara Griffin, files this motion to
17 reopen his detention hearing pursuant to 18 USC 3142. On June 23, 2021, this
18 Court ordered Mr. Engstrom detained pending trial finding he was a flight risk.
19 ECF No. 11. The Court specifically noted,

- 20
- 21 • The defendant's ties to the communities are strong and he has been in Las
22 Vegas, NV since 2007. There is conflicting information as to where the
23 defendant has been residing, but ultimately there is information that the
24 defendant can return to his residence and that he has a long-established
25 residence here. The defendant owns and works at his own business and can
26 return to his work if released.

- What cannot be overcome is the risk of flight given the arrest conduct by the defendant in this case, which includes the defendant barricading himself in his house. While the defendant denies that allegation, the DEA Agent that informed the Court as to the co-defendants has provided an account that the Court deems credible and the Court relies on the US Attorney, as an officer of the court, that the information is true.

United States Code 3142 (f)(2) allows a detention hearing to be reopened if “judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release...” Engstrom submits there is new material information that directly weighs on the court’s earlier decision to detain him as a flight.

I. Mr. Engstrom did not flee the front room into another room barricading himself in the room

Understandably, the Court relied on the AUSA’s representation as it was told to her by agents. Per the agents, The AUSA reported to the court that when Mr. Engstrom heard officers entering the residence, he ran from the room they had entered through into another room and barricaded himself in the room.

Based on this information, the Court found that Mr. Engstrom was a flight risk. Specifically, the Court stated, “It’s main concern was the arrest conduct of Mr. Engstrom barricading himself in a room.” (Exhibit 1 - Bond Hearing 6/23/21 @ 15:20.)

However, video footage from inside of the residence directly contradicts those assertions. (Exhibit 2 – Home Video).

1 Video footage from inside of the residence shows that when officers were
 2 initially outside preparing to enter the residence, they announced themselves. At
 3 that time, two individuals (neither being Mr. Engstrom) leave out of a room and
 4 exit into the garage. Whichever room Mr. Engstrom was found in he was already
 5 in prior to the officers entering the residence. Mr. Engstrom did not flee into that
 6 room in an attempt to elude officers. Mr. Engstrom had already been in that room
 7 and remained in that room until he was taken into custody. Further, at no time
 8 did Mr. Engstrom barricade or attempt to barricade himself in the room.
 9
 10

11 **II. There are conditions this Court can fashion that will**
 12 **reasonably assure Mr. Engstrom's future appearances.**

13 There are conditions that can be fashioned to ensure his appearance in
 14 court. First, as the Court has noted, based off of the Pretrial Services Report, Mr.
 15 Engstrom can return to his local residence which he shares with his ex-wife.
 16 Additionally, the Court can place Mr. Engstrom on GPS location monitoring.
 17 Finally, if the court needs further assurance, it can require Mr. Engstrom to report
 18 to Pretrial Services for in person check-ins on a weekly basis.
 19

20 DATED this 29th day of July, 2021.

21 RENE L. VALLADARES
 22 Federal Public Defender

CHRISTOPHER CHIOU
 Acting United States Attorney

23 */s/ Jawara Griffin*
 24 By _____
 25 JAWARA GRIFFIN
 Assistant Federal Public Defender

/s/ Daniel Clarkson
 By _____
 DANIEL CLARKSON
 Assistant United States Attorney

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that he is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on, July 29, 2021, he served a copy of the above and foregoing **MOTION TO REOPEN DETENTION HEARING** by electronic mail to the person(s) named below:

CHRISTOHER CHIOU
Acting United States Attorney
DANIEL CLARKSON
Assistant United States Attorney
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Las Vegas, NV 89101

/s/ Marcus A. Walker, Legal Assistant
Employee of the Federal Public Defender